

#501
BILL NO. G-92-0317

GENERAL ORDINANCE NO. G-

14-92

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the
City of Fort Wayne (as more specifically described below) was
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-4-
12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public alley within the City of Fort Wayne, more specifically
described as follows, to-wit:

The first alley West of Calhoun Street from the North
property line of Superior Street to the South property
line of the first alley North of Superior Street.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

#501

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** Public hearing to be held on _____,
the _____ day of _____, 1992,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Edmonds, seconded by Salerno, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-10-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 14-92
on the 14th day of April, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1992, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of April, 1992, at the hour of 9:00 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 10886

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

2/11 19 92

RECEIVED FROM

Container Corp

\$ 100.00

THE SUM OF

one hundred & 00/100

100

DOLLARS

ON ACCOUNT OF

4033343

Alley Vacation

AUTHORIZED SIGNATURE

PAID BY: CASH ☒ CHECK ☒ M.O. ☐

Date Filed: February 4, 1992

Vacation Petition

I/We Container Corporation of America
(Applicant's Name or Names)

PETITION TO VACATE Alley described herein
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following alley with the City of Fort
Wayne, Indiana, and hereby described as follows:

~~THE NORTH/SOUTH ALLEY BETWEEN CONTAINER CORPORATION OF AMERICA AND~~
~~TEC-HACKETT EXISTING MONROE SUPERIOR STREET~~ The first alley West of Calhoun Street
from the North Property line of Superior Street to the South property line of the
~~(see attached diagram)~~ first alley North of Superior Street.

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

Because of capacity expansion, material handling will require a significant
increase in fork truck traffic down the alleyway between the two Container
Corporation facilities. Vacation is requested to ensure the safety of fork
truck drivers and county employee vehicle traffic

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
alley be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 4th DAY OF February 1992

Edward C. Hughes, III
Tec-Hackett
Adjacent Property Owner
Typed Name
120 W. Superior Street
Fort Wayne, Indiana 46802
Address Zip
Edward C Hughes III
Signature

Robert K. McGregor
Container Corporation of America
Adjacent Property Owner
Typed Name
102 W. Superior Street
Fort Wayne, Indiana 46802
Address Zip
Robert K McGregor
Signature

Legal Description of Property:

The alley adjacent to lot 16 of the original plat and lot 576 of Hanna's
addition

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

<u>Edward C. Hughes, III</u>	<u>120 W. Superior Street</u>
<u>Tec-Hackett</u>	<u>Fort Wayne, IN 46802</u>
<u>Robert K. McGregor</u>	<u>102 W. Superior Street</u>
<u>Container Corp. of America</u>	<u>Fort Wayne, IN 46802</u>

Allen County Board of Commissioners
Room 200 City County Building - One E. Main Street
Fort Wayne, IN 46802

<u>Adjacent</u>	<u>Property</u>	<u>Address/Zip</u>
<u>Owners TYPED Name</u>		

Edward C. Hughes III
Robert K. McGregor
Allen County Board of Commissioners
Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC
HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Container Corporation of America
Name

102 West Superior Street
Street Address

Fort Wayne, Indiana 46802
City/State/Zip

(219) 461-7200
Phone

79-214-5

WHEREAS, CONTAINER CORPORATION OF AMERICA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

The first alley West of Calhoun Street from the North property line of Superior Street to the South property line of the first alley North of Superior Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held APRIL 1, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 1 DAY OF APRIL 1992

~~FORT WAYNE BOARD OF PUBLIC WORKS~~

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, CONTAINER CORPORATION OF AMERICA has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

The first alley West of Calhoun Street from the North property line of Superior Street to the South property line of the first alley North of Superior Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on March 16, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 23, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31st DAY OF March 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

The first alley west of Calhoun Street from Superior Street north to the first east-west alley.

Reason for Project

Increased safety.

Discussion (Including relationship to other Council actions)

16 March 1992 - Public Hearing

John Jessop, representing Container Corporation of America stated that their company has recently acquired some additional equipment giving them a capacity increase of about 30%. He stated that they would be adding approximately 22 jobs within the next three years. He stated that as part of the capacity expansion it necessitates moving a portion of their production equipment over to their other facility across the alley. He stated this will greatly increase the forklift traffic across this alley between the two facilities. He stated that for that reason they have requested the vacation of the alley. He stated that they are prepared to provide utility easements in the alley. He stated that they do at this point have some reservations to the Traffic Engineering's recommendation for a cul-de-sac. He stated that it is obvious that they need more details from Traffic Engineering and will work something out.

Trisha Gensic, Business Advocate with the department of Economic Development stated that she wanted to speak in support of the

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Container Corporation of
America
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

petition. She stated that they are working with Container Corporation on an expansion project and this vacation would help to facilitate that project.

There was no one else present who wished to speak in favor of or in support of the proposed petition.

23 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 11 February 1992

Projected Completion or Occupancy

Date 2 April 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 2 April 1992

Reviewed by

Date

2 APRIL 1992

Reference or Case Number

#501
ORIGINAL

DIGEST SHEET

ORIGINAL

Alley Vacation Ordinance

TITLE OF ORDINANCE

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The first alley west of Calhoun Street from the north
property line of Superior Street to the South property line
line of the first alley north of Superior Street.

47-92-03-17

EFFECT OF PASSAGE Property is currently a dedicated public right-of-way.
Property will be vacated and revert to the ownership of
the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. G-92-03-17

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the

Thoroughfare Plan of the City Comprehensive ("Master") Plan
by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

J. Bradbury
DS

Sp. Talarico
Clara Ravine

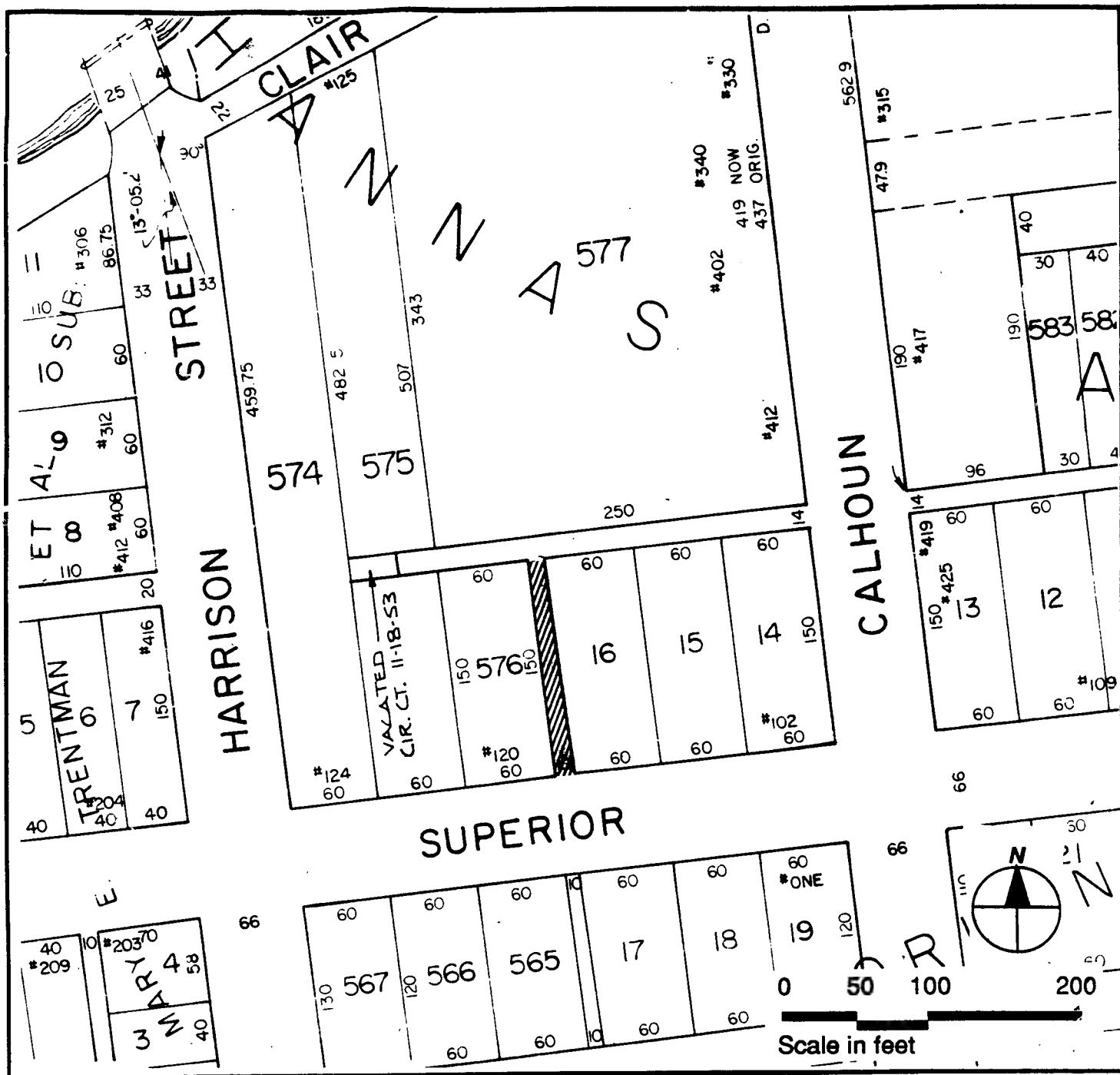
DATED: 4-14-92.

Sandra E. Kennedy
City Clerk

VACATION PETITION

AREA MAP

CASE NO. #501



COUNCILMANIC DISTRICT NO. 1

Map No. M-6
LW 2-20-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

April 1, 1992

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of April 4, 1992, in both the News Sentinel and Journal Gazette.


RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-92-03-17
Alley Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-03-17)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 14, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The first alley West of Calhoun Street from the North property line of Superior Street to the South property line of the first alley North of Superior Street

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

A handwritten signature in cursive script, appearing to read "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

April 3, 1992

Container Corporation of America
102 W Superior Street
Fort Wayne, IN 46802


NOTICE OF PUBLIC HEARING ON BILL NO. G-92-03-17

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 14, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

The first alley west of Calhoun Street from
Superior Street north to the first east-west
alley - increased safety

All interested persons are invited to appear and be heard.
Any written material may be submitted to the Common Council
prior to the hearing.

FORT WAYNE COMMON COUNCIL


Sandra E. Kennedy
City Clerk

From the Desk of:
Pat Biancaniello

AGENT:

Container Corporation of America
102 W Superior St
FORT WAYNE IN 46802

Phone: 461-7200

FW Common Council
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

18 lines, 1 columns wide equals 18 equivalent lines
at .33 cents per line

\$ 5.94

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 6.94

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 4, 19 92

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

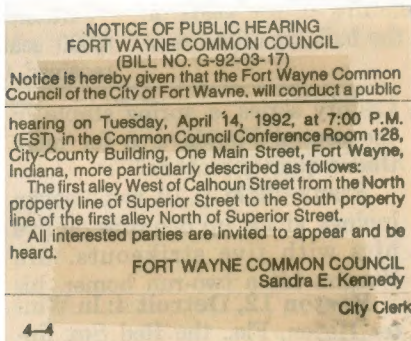
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the _____ newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:

4/4/92

Subscribed and sworn to before me this 4th day of April, 19 92Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW Common Council

(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

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Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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Date: April 4, 19 92

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

4/4/92

Subscribed and sworn to before me this 4th day of April, 19 92

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994